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December 1, 2020

VIA ECF

The Honorable Edgardo Ramos
U.S. District Judge
United States District Court
Southern District of New York
40 Foley Square, Courtroom 619
New York, NY 10007

MEMO ENDORSED

Re: *Mehmet Emin Tatas v. Ali Baba's Terrace, Inc., Ali Riza Dogan, Senol Bakir and Tolgahan Subakan*
Case No. 1:19-cv-10595-ER

Dear Judge Ramos:

As Your Honor is aware, we represent Defendants in this matter. Pursuant to Rule 1(E) of Your Honor's Individual Practice Rules, we write to respectfully request a thirty (30) day extension of time to complete depositions.

The deadline to complete depositions is currently December 31, 2020. As discussed during the teleconference held by Your Honor on October 23, 2020, the Court graciously extended all discovery deadlines due to the parties failed attempt at mediation. Although the parties have since engaged in extensive written discovery since then, much remains outstanding.

Notably, Defendants requested authorizations to obtain *pro se* Plaintiff's medical records in their First Request for Production of Documents, served on Plaintiff on June 29, 2020. Defendants acted quickly once they received executed authorization forms from *pro se* Plaintiff, serving the appropriate parties as early as August 18, 2020. However, and even with numerous follow up efforts, Defendants have not yet heard back from the medical providers. Additionally, *pro se* Plaintiff failed to provide executed authorization forms for all of the doctors in his first response to Defendants' discovery requests. Defendants addressed this issue with *pro se* Plaintiff in a deficiency letter, and he later provided Defendants with additional executed forms on or about October 22, 2020. Defendants again acted promptly in serving these authorization forms on the appropriate parties. In total, Defendants have served authorization forms upon approximately



eleven providers and two pharmacies of *pro se* Plaintiff and have not yet received records from any of them.¹

Defendants understand and respect Your Honor's deadlines, and counsel therefore reached out to *pro se* Plaintiff on November 25, 2020 to request his assistance in moving this process along by contacting his doctors directly to encourage the release of his records. Unfortunately, *pro se* Plaintiff politely declined to assist in this manner.

We understand, especially under the current circumstances, that doctors have far more pressing issues on their plates, and we must make allowances for that. However, *pro se* Plaintiff's medical records are absolutely necessary for Defendants to adequately take his deposition. These records are important not only to analyze *pro se* Plaintiff's alleged emotional distress damages, but also to assess the substance of his disability discrimination claim. Further, once Defendants do obtain these records, we will certainly need time to review them prior to taking *pro se* Plaintiff's deposition. We hope an additional 30 days will be sufficient, though that likely will depend on the speed with which we receive documents in accordance with the served authorizations.

For the reasons mentioned above, Defendants respectfully request Your Honor grant a thirty (30) day extension on the parties' current deposition deadline and extend all subsequent deadlines accordingly, as follows:

1. Non-expert depositions shall be completed by February 1, 2021.
2. Any further interrogatories, including expert interrogatories, shall be served no later than February 15, 2021.
3. Requests to Admit, if any, shall be served no later than February 15, 2021.
4. Expert reports shall be served no later than February 22, 2021.
5. Rebuttal expert reports shall be served no later than March 15, 2021.
6. Expert depositions shall be completed by April 5, 2021
7. All discovery shall be completed by April 5, 2021.

In addition, the Court may want to change the date for the next case management conference, which is currently scheduled for March 5, 2021 at 10 am.

¹ Because this request is being filed publicly, Defendants are respecting *pro se* Plaintiff's privacy and confidentiality rights by not providing additional detail regarding the names, practices and/or relevancies of each medical provider for which an authorization was executed. Should Your Honor require additional detail, please let us know and we would be happy to do so by whatever method Your Honor instructs.



The Honorable Edgardo Ramos
December 1, 2020
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We thank the Court for its attention to, and consideration of, this request.

Respectfully submitted,

JACKSON LEWIS P.C.

Diane Krebs

Diane Krebs, Esq.

cc: Mehmet Emin Tatas
Mr. Ali Riza Dogan
Heather L. Hulkower, Esq.

4835-7393-3523, v. 1

The Court grants the 30-day extension of the deposition deadline and all subsequent discovery deadlines. The case management conference previously scheduled for March 5, 2021 is adjourned to April 15, 2021 at 11 am. IT IS SO ORDERED.

The application is x granted
_____ denied

A handwritten signature in blue ink, appearing to read "Edgardo Ramos", written over a horizontal line.

Edgardo Ramos, U.S.D.J

Dated: 12/1/2020

New York, New York